

Swapping livelihood with electricity

Legal analysis of human rights violations by Guinea's new dam construction

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Guinea's Souapiti dam which is slated to start functioning in September 2020, is seen as a systematic means to provide [urgent electricity access](#) to the country. The construction of the dam, however, comes at a considerable human cost and will displace an estimated 16,000 number of people. A [report](#) documented by Human Rights Watch (HRW) highlights that the dam's reservoir will eventually "flood 253 square kilometres of land, including a projected 42 square kilometres of crops in addition to 576,345 crop-bearing trees".

The Guinean government has already displaced a few residents in pursuance of the dam's construction. No legal entitlement has been granted to the displaced residents, and many have intimated their inability in securing adequate sustenance. Additionally, the Guinean administration has not been proactive in addressing their grievances. This article seeks to provide a glimpse into the slipshod response of the concerned authorities, and establishes the responsibility of Guinea's government under international law.

Requisite for an affirmative approach

Even from a general stand-point, when displacements caused by dams are taken into account, there can be severe consequences. According to [figures](#) given by the World Commission on Dams (WCD), around 40 to 80 million people have been physically displaced by dams globally. The WCD mentions that the displaced rarely receive sufficient information on dam projects; compensation is inadequately assessed; and resettlement sites are plagued by poor infrastructure. The [Yacyreta project](#) in Argentina and Paraguay is a characteristic case in point of overdue and unfinished resettlement. It took the project developers roughly 20 years to resettle only about 30% of the displaced people.

Micheal Cernea, a noted sociologist at the World Bank, similarly [reflects](#) that

"the most pervasive consequence of displacement is the inability to reconstruct previous income generation capacity. Informal social networks among households and families assist in coping with poverty through loans, exchanges of labour, food, clothing, etc."

He suggests, that the dismantlement of these networks through the dispersion of their members causes direct economic losses, in addition to social and cultural ones.

The Guinean dam project also appears to be enduring the same above mentioned consequences. The lax response of the government cannot be seen to be in consonance with applicable law. Article 14 of the [African Charter on Human and Peoples' Rights](#) specifies that “the right to property may only be encroached upon in accordance with appropriate laws”. The government’s inability in providing appropriate compensation risks violating Article 13 of [Guinea’s constitution](#), which provides for the right to property to only be expropriated “if it is in the interest of all” and if “prior indemnification” has been given.

The [International Covenant on Economic, Social and Cultural Rights](#) under Article 11 also affirms that states should ensure an adequate standard of food and housing conditions, including “a continuous improvement of living conditions”. It is imperative for the government to come up with a structured criteria for ensuring such conditions on par with those foregone by the displaced.

It would be pragmatic for the Guinean administration to take into consideration the opinions and objections put forward by the displaced, consequently making their resettlement process more inclusive. This would be in line with Principle 28 (2) of the [OCHA Guiding Principles on Internal Displacement](#), which mentions the need for “special efforts to ensure the full participation of internally displaced persons in their resettlement”.

Pertinently, in the case of [Centre for Housing Rights and Evictions v Sudan](#), the African Commission on Human and Peoples’ Rights held that the role of the State is to respect and protect the right to property

“against any form of encroachment, and to regulate the exercise of this right in order for it to be accessible to everyone, taking public interest into due consideration”.

Similarly, while Guinea is legally permitted to give clearance for the construction of the dam, the regulation of such right to property should nevertheless be in a manner that provides a reasonable alternative to all displaced individuals, thereby taking into account the overall public interest.

Conclusion

Nevertheless, the displacement for the Souapiti dam is the “largest in Guinea’s post-independence history” and the HRW report elucidates that “most of those displaced are already extremely poor, with a 2017 assessment estimating the average daily income per person in the area to be US\$ 1.18”. Considering that Guinea’s President Alpha Conde# came to power partly on the basis of promises to deliver electricity nationwide, the construction of the dam is unsurprisingly seen as a fulfilment of the same.

However, the increased access to electricity should not be completely off-set by the subversion of the rights of the displaced. Balancing both interests should be the pressing need at the moment. A durable solution is only achieved when the displaced persons no longer have any “[specific assistance or protection needs](#)”

that are linked to their displacement, and can enjoy their human rights without any discrimination on account of displacement. For this to be accomplished, the Alpha Conde# led government will have to effectively orchestrate the displacement procedure in a manner causing the least human cost.

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